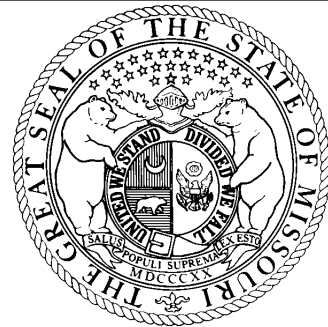


# State Committee of Interpreters

Volume 1, Issue 1

May, 2001



## Governor

The Honorable Bob Holden

## Department of Economic Development

Joseph L. Driskill, Director

## Division of Professional Registration

Marilyn Taylor Williams, Director

## State Committee of Interpreters

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St. Charles, Missouri

Betty Kramer, Hearing Public Member and Secretary  
Higginsville, Missouri

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Hallsville, Missouri

Carrie L. McCray, Member  
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**MISSOURI**

DEPARTMENT OF ECONOMIC DEVELOPMENT

This is an official publication of the Division of Professional Registration. Submit articles to: Interpreters, P.O. Box 1335, Jefferson City, MO 65102.

## State Committee of Interpreters Meeting Schedule

You will find listed below the schedule of upcoming Board meetings or conference calls.

July 13, 2001 Board Meeting

Location: Division of Professional Registration,  
Jefferson City

Time: 10:00 a.m.

The public is invited to attend the open session  
of the meetings.



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## Update on Rules

Listed below are proposed amendments to rules. Sections with brackets [ ] surrounding them, are areas to be deleted. Bolded areas are new language.

### PROPOSED AMENDMENT

**4 CSR 232-1.040 Fees.** The committee is proposing to amend subsection (1)(B) and (1)(D), delete subsections (1)(E) and (1)(G) and renumber subsection (1)(F) to (1)(E).

*PURPOSE:* During the initial rulemaking process the committee used a licensee estimate of 600 applications for licensure based upon statistics from the prior legislative fiscal notes and the Missouri Commission for the Deaf. However, once the certification process began, the committee was able to identify approximately 400 individuals that were either actively engaged in interpreting or seeking education and training to become interpreters. This decline in anticipated applicants necessitates fee increases to cover current operating costs.

The committee determined a cost reduction was in order for subsection (1)(D) because an individual is likely to only spend 1 to 2 days interpreting in Missouri. Furthermore, the temporary license is very restrictive as a person can only obtain a temporary license once a year, which is valid for only 90 days.

Subsections (1)(E) and (1)(G) are being deleted pursuant to section 610.026, which states fees for copying records shall not exceed the actual cost of documents search and duplication.

(1) The following fees are established and are payable in the form of a cashier's check, personal check, or money order:

(B) Annual License Renewal Fee	<del>\$/60.00</del> <b>90.00</b>
(D) Temporary License Fee	<del>\$/60.00</del> <b>25.00</b>
<del>[(E) Copy Cost (per page)]</del>	<del>\$ 0.50]</del>
<del>[(F)] (E) Insufficient Funds Check Fee</del>	<del>\$ 50.00</del>
<del>[(G) Research Fee (per hour)]</del>	<del>\$ 35.00]</del>

*AUTHORITY:* section 209.328(2), RSMo [1994] **2000**. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed Dec. 1, 2000.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE COST:* This proposed amendment is estimated to cost private entities \$10,865 annually with a continuous annual increase of \$300 for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Loree Kessler, Executive Director, P.O. Box 135, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.



### PROPOSED AMENDMENT

#### **4 CSR 232-3.010 General Principles.**

The committee is proposing to add new language in sections (2) and (19) and renumber the remaining sections accordingly.

*PURPOSE:* This amendment requires an interpreter to maintain current certification and prohibits practicing interpreting when there is adverse action on the certification.

**(2) An interpreter must maintain a current certification with the Missouri Commission for the Deaf as defined by section 209.285 (3), RSMo.**

~~[(2)]~~ **(3)** For the purpose of these rules, a consumer shall be defined as any person, persons, or entity receiving interpreting services.

~~[(3)]~~ **(4)** An interpreter shall not accept or continue an assignment if the interpreter does not possess the ability, education, training, experience, and qualifications as defined in section 209.285(3), RSMo.

*Continued on Page 3*

## Update on Rules Continued

*Continued from Page 2*

**[(4)] (5)** An interpreter shall convey the content and affect of the source message transmittal, in a culturally and linguistically accurate manner, using the language or communication system most readily understood by the consumer.

(A) For the purpose of these rules, message shall mean the auditory or visual information that is to be interpreted into another language or communication system.

**[(5)] (6)** An interpreter shall not extend or lengthen an assignment for the sole purpose of financial gain.

**[(6)] (7)** An interpreter shall not misinterpret her/his licensure, ability, education, training, educational credentials, or certification as defined in section 209.285(3), RSMo.

**[(7)] (8)** The interpreter shall not interject personal opinion during an assignment or on matters pertaining to the assignment.

**[(8)] (9)** The interpreter shall safeguard any information obtained relating to an assignment. If an interpreting assignment is an event open to the public, the interpreter may disclose information regarding the location of the assignment and general nature of the event.

**[(9)] (10)** When an assignment is not an event open to the public, an interpreter shall not disclose information relating to the assignment to include location, nature of the assignment, or individuals present during the assignment without the written consent of the consumer.

(A) For the purpose of this rule, an interpreter may disclose the general location of an assignment for the purpose of contacting the interpreter, in the event of an emergency. However, the interpreter shall remain responsible for any unauthorized disclosure of information relating to an interpreting assignment.

(B) An interpreter may reveal such information as reasonably necessary to establish a claim or defense in a legal proceeding.

**[(10)] (11)** The interpreter shall not accept or continue an assignment when the objectivity or competency of the interpreter is or can reasonably be expected to be impaired because of an emotional, mental, psychological, or substance abuse disorder.

**[(11)] (12)** The interpreter shall not accept or continue an assignment if the interpreter's inability to remain neutral affects the interpretation.

**[(12)] (13)** The interpreter shall not accept or continue an interpreting assignment when the objectivity or competency of the interpreter is impaired because of the interpreter's familial, sexual, and/or emotional relationship with the consumer or consumer's family.

**[(13)] (14)** If the interpreter discovers a need to withdraw from an assignment, the interpreter shall advise the consumer.

**[(14)] (15)** An interpreter shall not delegate an assignment to a person who is not qualified or does not possess the appropriate certification, as defined in section 209.285(3), RSMo, for the service to be provided.

**[(15)] (16)** An interpreter shall not engage in an exploitive relationship with a consumer. For the purposes of these ethical rules of conduct, an exploitive relationship is any relationship between the interpreter and consumer that may take advantage of, or cause harm to, the consumer.

**[(16)] (17)** An interpreter shall maintain an appearance that does not interfere with the message as defined in 4 CSR 232-3.010(4)(A).

**[(17)] (18)** Within the limits of the law, and after receiving written consumer consent, an interpreter shall respond to all requests for information and correspondence from the committee.

**(19) An interpreter shall not practice interpreting as defined in section 209.285 (3), RSMo upon the lapse, expiration, suspension, or revocation of a certification.**

*AUTHORITY: section 209.328.1, RSMo [1994] 2000. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed Dec. 1, 2000.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*Continued on Page 4*

## Update on Rules Continued

*Continued from Page 3*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Loree Kessler, Executive Director, P.O. Box 135, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## Renewal Fee Increase

With the first renewal cycle for interpreters completed and proposed changes to the annual renewal fee going into effect for the next renewal cycle, the state committee is providing a financial overview of operational costs and an explanation regarding the need for an increase in the renewal fee.

### History

First, it is important to understand that licensure boards or committees must be self-supporting. That means that all of the costs of operation such as purchasing a pencil, rent and utilities as well as staff salaries must be paid through the generation of application and renewal fees.

In 1994 the licensure law required an interpreter to be certified and licensed. The state committee convened for its first meeting in December, 1998 to begin drafting the regulations necessary to implement the licensure law.

In estimating income and costs, the state committee reviewed start up and operational costs of boards of similar size with the Missouri Division of Professional Registration and estimated the same number of licensees as projected in the fiscal notes that accompanied the legislation.

The annual estimated costs outlined in the fiscal notes filed with the proposed rules totaled \$25,408 with an estimated licensee count of 600 interpreters.

### Financial Summary

Operation costs incurred by the state committee

➤ FY 1996	\$ 28.00
➤ FY 1997	380.00
➤ FY 1998	20,805.00
➤ FY 1999	38,583.00
➤ FY 2000	<u>33,023.00</u>
Total	92,819.00
Adjustment	- 23,239.00*
<b>Adjusted Total</b>	<b><u>69,580.00</u></b>

*\*A review of the number of applicants and allocation of staff time directly related to state committee business resulted in an adjustment to the costs allocated for FY 96-99.*

*FY = fiscal year and is from July 1-June 30.*

During the fiscal years with higher costs, the state committee was meeting at least every 6-8 weeks to finalize rules and once the rules were in place to begin the application process. These meetings were held in St. Louis, Jefferson City and Kansas City so interpreters and consumers in other parts of the state could have access to the open session proceedings.

### Income generated by applications and renewals

*FY 2000 & 2001*

*375 Applications Approved @ \$75 each = \$ 28,125*

*14 Applications Pending Approval @ \$75 = \$1,050 (as of 12/00)*

*Estimated 350 renewals at \$60 each = \$ 21,000*

**Total Income** **\$50,175**

Based on these costs and revenue projections the state committee determined that a renewal fee increase would be needed to pay back costs incurred in prior fiscal years and to sustain annual operational costs. **The renewal fee will become \$90.00 in 2001.** Additionally, the state committee has taken steps to reduce costs as follows:

- No out-of-state travel
- Conduct meetings by telephone conference call, when possible.
- Complaints/Investigations coordinated by designated state committee member
- Use division support services sparingly
- Closely monitor use of legal counsel

*Continued on Page 5*

## Renewal Fee Increase Continued

*Continued from Page 4*

At the end of the current fiscal year, the state committee will once again review its operational costs in an effort to determine if further reductions can be made. The state committee's goal is to control costs by sharing resources with other agencies within the division while providing quality service to licensees and Missouri consumers.

## Board Member Vacancies

There are currently two (2) vacant positions on the State Committee of Interpreters. One position is a licensed interpreter position and one position is a deaf public member position.

Anyone interested in either position or if you know of an interested individual should contact Marilyn Taylor Williams, Director, Division of Professional Registration, P.O. Box 1335, Jefferson City, MO 65102.

## Message From Your Executive Director



On December 1, 2000, I became the Executive Director for the State Committee of Interpreters. I have been employed with various Boards within the Division of Professional Registration for 27 years so regulation is not a new subject for me.

I want to encourage each and every one of you to call, e-mail or write to our office when you have questions or when our office can be of assistance to you. I

look forward to meeting you and/or assisting you in your profession.

I would also like to personally thank Loree Kessler for all of the additional time she has spent orienting me as I have taken over the Executive Director position but also for all of her hard work and dedication to the State Committee of Interpreters during the implementation of the new licensure law and rules.

Pamela Groose  
Executive Director

## New Division Director



We would like to welcome Marilyn Taylor Williams to the Division of Professional Registration. On January 25, 2001, she was confirmed as the new Director of the Missouri Division of Professional Registration. She replaces Randall Singer, who served as the Division Director since 1993.

Prior to her confirmation, Ms. Williams of Dudley, served in the House of Representatives from 1991 to 2001. She represented District 156, comprised of parts of Stoddard, Wayne and Bollinger counties, from 1991 to 1993 and represented District 159 - comprised of parts of Stoddard and Scott counties from 1993 to 2001.

In the General Assembly, Ms. Williams' key committee assignments included chair of the House Agribusiness Committee, vice-chair of Appropriations, Agriculture and Economic Resources, and the House Budget Committee. She was also a member of the Missouri Tourism Commission.

We would also like to thank Randall Singer for his dedication and service to the Division.

We wish them both the best.

## Certification vs. Licensure

*Article submitted by Kim McNulty,  
Member*

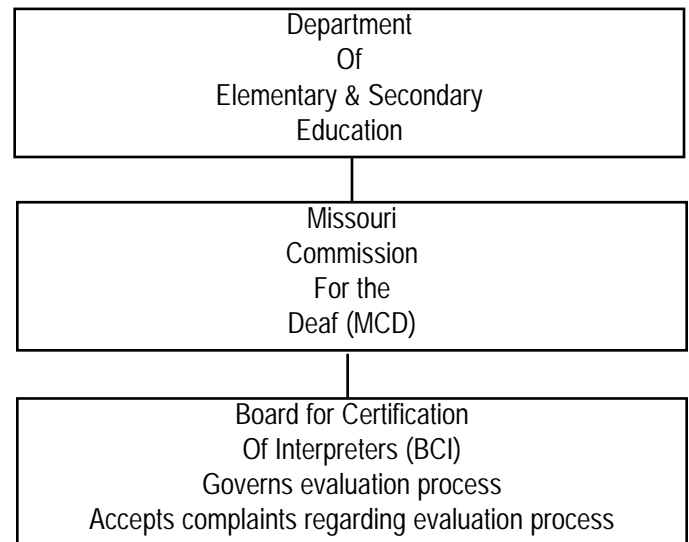
First and foremost, the practicing interpreter must be both Certified and Licensed to provide interpreting services and to be in compliance with the licensure law within the state of Missouri. The Licensure Law outlines the establishment of the Missouri State Committee of Interpreters within the Division of Professional Registration of the Department of Economic Development. The governor with the advice and consent of the senate appoints members to the Missouri State Committee of Interpreters. The purpose of the State Committee of Interpreters is to regulate and govern the practice of interpreting to protect the welfare of the inhabitants of Missouri against the unlawful practice of interpreting. The committee promulgated administrative rules to implement and sustain a system to govern the practice of interpreting and enforces Ethical Rules of Conduct. The administrative rules became effective July 30, 1999. Licenses must be renewed yearly. In addition, the committee handles complaints regarding the practice of interpreting.

The Board of Certification of Interpreters (BCI) established within the Missouri Commission for the Deaf (MCD) of the Department of Elementary and Secondary Education (DESE) governs the evaluation process and handles complaints regarding the evaluation process. The governor with the advice and consent of the senate appoints members to the board. The purpose of the Board of Certification of Interpreters is to protect the citizens of the state through certification of interpreters by evaluating their competence to practice. In addition, the BCI regulates and requires continuing education to maintain one's certification. The BCI strives to maintain the quality of interpreting services and to establish clear standards of professionalism in the interpreting profession. After an interpreter has completed the certification evaluation and has been granted a certification, the interpreter must then apply for a license in order to work in the state of Missouri as an interpreter.

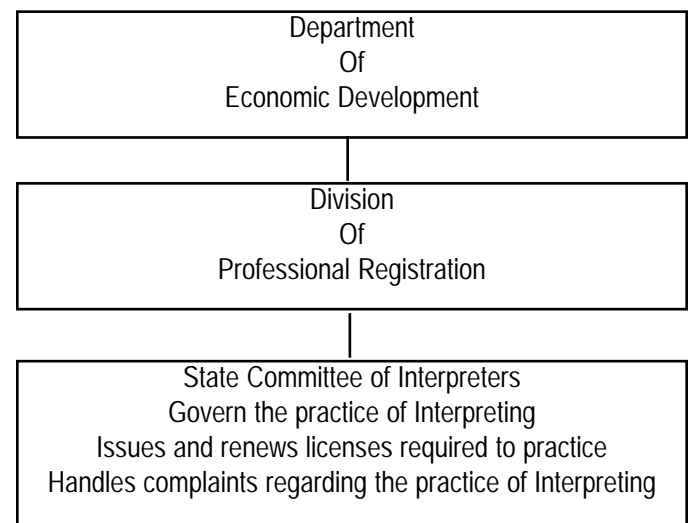
The Missouri State Committee of Interpreters protects the public from inadequate or unlawful services provided by interpreters. The committee requires that services be provided based on certification, education, training, and experience. In addition, to

governing the practice of interpreting, licensure enforces a code of ethical conduct promulgated in the administrative rules. The Board for Certification of Interpreters governs the certification process by determining an interpreter's skill level through the evaluation process. The board also requires an interpreter to maintain certification through continuing education. Although, the committees are two separate entities governing two separate aspects of interpreting- the practicing interpreter- must have and maintain- both a certification and a license to provide interpreting services in the state of Missouri.

### CERTIFICATION OF INTERPRETERS



### LICENSURE OF INTERPRETERS



## Complaint Process



*Article submitted by Sandy Drummond,  
Member*

The State Committee of Interpreters oversees the professional conduct of interpreters in the state of Missouri. One of the main responsibilities of the State Committee is to protect consumers of interpreting services, and to ensure that interpreters comply with state laws, regulations, and the ethical rules of conduct. Anyone who feels that an interpreter has violated these laws and regulations may file a complaint with the State Committee. A complaint may be filed by completing a complaint form or by writing a letter. A complaint may also be filed by recording all information on an audio tape or video tape. If assistance is needed in filing the complaint, a representative of the State Committee can provide video recording equipment, assistance in completing complaint forms, or any other assistance which may be necessary.

All complaints should contain the following information:

- (1) the name, address, and phone number of the person filing the complaint
- (2) the name, address, and phone number of the interpreter who violated state laws and rules
- (3) the dates that the interpreter provided interpreting services
- (4) an explanation of the complaint
- (5) any written documents which support the complaint (i.e. receipts, letters, etc.)
- (6) the names, addresses, and phone numbers of individuals who can provide additional information about the complaint

Once a complaint is received, the staff and members of the State Committee review the complaint, and an investigation begins. Anyone who files a complaint will be asked to sign consent forms which permit the interpreter and any witnesses to discuss the complaint with the investigator and the



State Committee. All information related to the complaint and the investigation is kept confidential by the State Committee.

For more information about state laws and regulations related to interpreting, please visit our website at <http://www.ecodev.state.mo.us/pr/inter/>.

## Frequently Asked Questions



### When does the license need to be renewed?

An interpreter's license will expire January 31 of each calendar year. A renewal notice is sent to the licensee approximately 60 days in advance of the expiration date.

It is very important to keep the state committee informed of an interpreter's mailing address because the renewal will be sent to the address maintained within the licensee's file. Even if a licensee does not receive a renewal, the licensee is responsible for renewing a license.

### What is the cost to renew a license?

Effective May 30, 2001, the renewal fee will be \$90.00.

### What continuing education is required to maintain a license?

Continuing education, also known as permit/certification maintenance, is regulated by the Missouri Commission for the Deaf and is associated with maintaining a current certification. Questions regarding PCM should be directed to the commission office at 573/526-5205.

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Missouri State Committee of Interpreters  
Division of Professional Registration  
PO Box 1335  
Jefferson City, MO 65102

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## Frequently Asked Questions Continued

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### **What type of documentation will the interpreter receive to verify licensure?**

When an application is approved for licensure, the interpreter will receive written notification. Then in approximately a week to ten days the interpreter will receive a small license suitable for framing and a wallet card.

### **What if an interpreter changes an address or has a name change?**

Maintaining accurate information is important. If an interpreter has an address change, either call the state committee office,

send a brief note listing the changes in address, telephone number, etc. or fax the information to 573/526-3489. If an interpreter has a name change, it must be submitted in writing with a copy of the documentation (i.e. marriage license, court order) authorizing the name change.

### **Can an interpreter make copies of the law and rules booklet or form?**

Yes.

### **How can an interpreter obtain a duplicate license?**

If an interpreter misplaces a license or if the license is destroyed a duplicate can be issued. The interpreter must submit the request either by mail, e-mail or fax to the state committee office.